

# Special Report

## Exhibit 4:

Grievance Policy: CCF 14-100

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## 14-100 DETAINEE GRIEVANCE PROCEDURES (USMS ONLY)

AUTHORITY: FACILITY POLICY  
FACILITY: CORECIVIC CIMARRON FACILITY  
FACILITY SUPERSEDES DATE: NONE  
FACILITY EFFECTIVE DATE: OCTOBER 20, 2020

APPROVED: MICHAEL SIZEMORE / WARDEN – SIGNATURE ON FILE

### POLICY:

CoreCivic will provide a means for all detainees to address complaints regarding facility conditions, treatment, and policies and procedures. Many matters can and should be resolved directly and promptly between the detainee and institutional staff.

The grievance process will include an informal resolution option and an appeal process. **(FPBDS G.9.1)** All complaints should be assessed in a fair and impartial manner. Resolution in the best interest of the detainee and the facility should be the primary goal.

### DEFINITIONS:

Emergency Grievance – A grievance in which the potential for personal injury or irreparable harm exists.

Grievance Staff – Facility staff member(s) responsible for tracking and management of the grievance process. This includes coordination of investigations and ensuring that resolution is reached.

Grievance – A written complaint concerning the facility conditions, treatment, policies, and/or procedures which is believed to personally affect the detainee in a negative manner.

Detainee – Any adult or juvenile, male or female, housed in a CoreCivic facility. Detainees may also be referred to as detainees, prisoners, or offenders depending on classification and in accordance with facility management contracts.

Reasonable Suspicion – A suspicion which is based upon documentable, articulable facts which, together with the employee's knowledge and experience, lead him/her to believe that an unauthorized situation or violation of rules exists.

Reprisal – Any action or threat of action against any detainee for the good faith use of or good faith participation in the informal resolution process or grievance procedure.

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**PROCEDURES:**

**A. AVAILABILITY OF INFORMATION**

**A1. Employees**

A copy of this policy will be available to all employees.

**A2. Detainees**

**A2a.** New detainees will be informed of the informal resolution process and grievance procedures upon arrival.

**A2b.** A summary of procedures outlined in this policy will be included in the Detainee Handbook.

**A2c.** A copy of this policy will be available in the detainee library. A copy will also be available for detainees that do not have the opportunity to visit the library (i.e. segregated detainees).

**NOTE:** In the event a detainee has difficulty understanding the procedures outlined in this policy, employees must ensure that the information is effectively communicated on an individual basis. Auxiliary aids that are reasonable, effective, and appropriate to the needs of the detainee shall be provided when simple written or oral communication is not effective.

**B. TRAINING**

All employees will receive pre-service and in-service training on this policy. Training will be documented in accordance with CoreCivic Policy 4-2 Maintenance of Training Records.

**C. GRIEVANCE AVAILABILITY**

**C1.** Detainees can invoke the grievance procedure regardless of disciplinary, classification, or other administrative decisions to which the detainee may be subject.

**C2.** A detainee may not submit a grievance on behalf of another detainee; however, assistance from a staff member or detainee may be provided when necessary to communicate the problem on the grievance form.

**C3.** Grievance forms are readily available and easily accessible to detainees (**FPBDS.G.9.2**) in such a manner that the detainee is not required to request a form from correctional or other facility staff.

**C4.** For detainees housed in Restrictive Housing, Grievance forms will be available in the recreation enclosures. Detainees may also acquire Grievance forms directly from staff.

**D. CONFIDENTIALITY**

**D1.** Grievances are considered special correspondence.

**D1a.** The designated Grievance Mail Boxes will be locked and access restricted to those staff designated by the Warden.

**D1b.** Detainees have the option of putting grievances in sealed envelopes before placing them in the Grievance Mail Box, placing them directly in the locked Grievance Mail Box, or giving them directly to staff.

**D1b1.** If a sealed envelope is labeled "Grievance" and addressed to the Grievance Officer, it will not be opened for inspection unless there is reasonable suspicion that the sealed envelope contains contraband.

- D1b2. If reasonable suspicion exists and the Warden/Facility Administrator or designee's approval has been obtained, the envelope may be opened and inspected for contraband only.

#### **E. PROTECTION FROM REPRISAL**

Detainees shall not be subject to retaliation, reprisal, harassment, or discipline for use or participation in the informal resolution process or grievance process. Any allegations of this nature will be thoroughly investigated by the Warden/Facility Administrator and reviewed by the appropriate Divisional Managing Director, Facility Operations. The Divisional Managing Director, Facility Operations, will notify the appropriate Vice President, Facility Operations, of any allegations that are found to be credible.

#### **F. GRIEVANCE SUBSTANCE**

- F1. Detainees may utilize this grievance procedure for a wide range of complaints including, but not limited to:
- F1a. Violation of state and federal laws, regulations, or court decisions, including but not limited to violations of the Americans with Disabilities Act (ADA), constitutional rights, etc.;
  - F1b. Application of rules, policies, and/or procedures towards detainees over which CoreCivic has control;
  - F1c. Individual staff and detainee actions, including any denial of access to the informal resolution or grievance processes;
  - F1d. Reprisals against detainees for utilizing the informal resolution or grievance processes; and
  - F1e. Any other matter relating to the conditions of care and supervision within the authority of CoreCivic.
- F2. These grievance procedures are not used to seek review or remedy of the following:
- F2a. State and federal court decisions;
  - F2b. State and federal laws and regulations;
  - F2c. U.S. Marshals Service (USMS) standards, decisions, or matters;  
**NOTE:** USMS standards, decisions, or matters shall be grieved in accordance with the regulations of the USMS.
  - F2d. Disciplinary actions (all disciplinary action must be addressed in accordance with disciplinary procedures in place at the facility);
  - F2e. Property issues (all property issues must be addressed in accordance with property procedures in place at the facility);
  - F2f. Classification status (all classification status must be addressed in accordance with classification procedures in place at the facility); and
  - F2g. Alleged PREA (Prison Rape Elimination Act) incidents. Should a report be submitted and received as a detainee grievance, it will be immediately referred to the facility Investigator or Administrative Duty Officer (ADO) and processed in accordance with CoreCivic Policy 14-2 Sexual Abuse and Prevention and Response (USMS).
- F3. Grievances filed requesting review/remedy, as outlined above in sections F2a.-g., will be informally discussed with the detainee by a facility employee and documented appropriately in the detainee's chronological record.

#### **G. EXCESSIVE FILING OF GRIEVANCES**

If it is determined by the Warden/Facility Administrator that a detainee is deliberately abusing the grievance system through excessive filing of grievances and/or repeated refusal to follow procedures, the Warden/Facility Administrator may suspend the filing of additional grievances until all pending grievances have been resolved. The Warden/Facility Administrator will provide the detainee with written documentation of the suspension.

## H. GRIEVANCE EXTENSIONS

- H1. In certain instances it may be necessary to extend response deadlines to allow for a more complete investigation of the claim(s). Justification for the extension must be provided to the detainee on the 14-1XXC Grievance Extension Notice. The time extension will be determined by the Warden/Facility Administrator and will not exceed fifteen (15) calendar days.
- H2. In the event a 14-1XXC is generated, staff shall ensure a copy is placed in the detainee's file as well as a copy being provided to the detainee. **(FPBDS G.9.4)**

## I. GRIEVANCE OFFICER

The Warden/Facility Administrator will designate an individual(s) as the Grievance Officer(s) who will coordinate the grievance process to include:

- I1. Reviewing all formal grievances received to ensure all necessary information is included;  
**NOTE:** Grievances that are prematurely appealed to the Warden/Facility Administrator or designee will be returned without review.
- I2. Assigning a number to all formal grievances;
- I3. Logging all grievances received;
- I4. Forwarding formal grievances to the appropriate department head for response;
- I5. Coordinating the timely investigation and response of formal grievances;
- I6. Ensuring that, when a grievance decision specifies that an action is to be taken, a date is included for completing the action;
- I7. Ensuring the detainee receives a copy of the completed grievance and the detainee's signature is acquired at the time a response is provided;
- I8. Ensuring all remedies/required actions are fulfilled by the imposed deadline; and
- I9. Maintaining all grievance records and documents as outlined in 14-1XX P. Records.

## J. INFORMAL RESOLUTIONS

Detainees may utilize the informal resolution process concerning questions, disputes, or complaints prior to the submission of a formal grievance. If a detainee is not satisfied with the results of the informal resolution process, the detainee may file a formal grievance. Detainees may bypass or terminate the informal resolution process at any point and proceed directly to the formal grievance process.

- J1. Filing
  - J1a. The 14-100A Informal Resolution form must be utilized to initiate the informal resolution process.
  - J1b. All 14-100As related to medical care and treatment must be submitted to qualified health services staff through facility mail and/or designated grievance mail boxes.  
**NOTE:** If CoreCivic is not the facility Health Services provider, grievance procedures related to medical care will be in accordance with that provider's policy and procedure.
  - J1c. With the exception of grievances related to medical care and treatment, detainees are required to submit 14-100A through facility mail, in person, via designated grievance mail boxes, or to the appropriate unit staff. In the absence of unit management, the Warden/Administrator will designate a staff member to receive informal resolution forms.  
**NOTE:** Only qualified health services staff are authorized to provide responses to any questions, disputes, or complaints regarding medical care and treatment.
- J2. Resolution
  - The staff member assigned to complete the informal resolution process will be responsible for:
  - J2a. Conducting an initial meeting with the detainee to discuss the issue;

- J2b. Meeting with all staff members involved with the issue;
- J2c. Researching necessary information to determine if a remedy is possible (staff investigation procedures);
- J2d. Developing a response to present to the detainee in an attempt to resolve the issue informally (appropriate response to grievances). Responses are reviewed and approved by an ADO prior to the meeting with the detainee;
- J2e. Ensuring the detainee receives a copy of the completed 14-100A at the time the response is provided; **(FPBDS G.9.4)** and
- J2f. Ensuring any remedies agreed upon are completed.
- J3. Time Guidelines

Unless unusual circumstances are present, the detainee will receive a response to an informal grievance within ten (10) calendar days of submission. In the event of unusual circumstances, the assigned staff member will provide the detainee with written documentation extending the response deadline.
- J3a. The detainee must submit the 14-100A within seven (7) calendar days of the incident resulting in the grievance.
- J3b. The time for filing begins from the date the problem or incident became known to the detainee.
- J3c. In the event the detainee is not satisfied with the response, the detainee will have five (5) calendar days to submit a formal grievance to the Grievance Officer. In the event the detainee pursues a formal grievance, the detainee will be required to attach a copy of the 14-100A to the formal grievance form.
- J4. Documentation

The original 14-100A will be maintained by the facility with a copy presented to the detainee at the time the response was presented. **(FPBDS G.9.4)**

#### **K. EMERGENCY GRIEVANCES**

If the subject matter of the grievance is such that compliance with the regular time guidelines would subject the detainee to risk of personal injury, the detainee may request that the grievance be considered an emergency grievance. The emergency grievance must detail the basis for requiring an immediate response. When the grievance is of an emergency nature, utilization of the informal resolution process is not required.

- K1. Filing
- K1a. The 14-100B Detainee Grievance form will be utilized to file an emergency grievance. The detainee will complete Page 1 of the 14-5B and put it in the designated grievance mail box, or give it directly to the Grievance Officer.
- K1b. The Grievance Officer will check the grievance mail boxes daily, excluding weekends and holidays
- K1c. In the event it is necessary to file the emergency grievance on weekends or holidays, it will be given to the Shift Supervisor. The Shift Supervisor will ensure the Administrative Duty Officer is notified upon receipt of the emergency grievance.
- K2. Resolution
- K2a. Emergency grievances received through the grievance mail box or alternative means, as identified above, will be reviewed by the Grievance Officer to determine if the grievance is of an emergency nature. If the grievance is determined to be of an emergency nature, the Grievance Officer will assign a number to the emergency grievance, document the grievance on the 14-1XXD Facility Grievance Log or via the current approved FSC/CoreCivic electronic database, and immediately forward to an individual authorized to serve as Administrative Duty Officer below the rank of Warden/Administrator for a response.

NOTE: If it is determined that the grievance is not of an emergency nature, the standard procedures for a formal grievance will be followed.

- K2b. Emergency grievances received on weekends and holidays will be reviewed by an individual authorized to serve as Administrative Duty Officer below the rank of Warden/Administrator to determine if the grievance is of an emergency nature and will respond accordingly.
- K2c. The response must be documented on Page 2 of the 14-100B and submitted to the detainee for signature at the time of presenting the response in person. The detainee will receive a complete copy of the emergency grievance and any corresponding attachments at the time of presenting the response.
- K3. Time Guidelines

An individual authorized to serve as Administrative Duty Officer (below the rank of Warden/Administrator) shall take action to resolve the grievance within one (1) calendar day of receipt of the grievance and provide a written response to the detainee.
- K4. Documentation

The individual authorized to respond to the emergency grievance will ensure that the Grievance Officer receives a copy of the emergency grievance and corresponding attachments to ensure that the emergency grievance is appropriately logged and filed.

## **L. FORMAL GRIEVANCES**

- L1. Filing
  - L1a. The detainee must file the grievance within five (5) calendar days of the response date listed on the 14-1XXA Informal Resolution form.
  - L1a1. In the event a detainee decides to bypass the informal grievance process, the detainee will have seven (7) calendar days from the date of the alleged incident to file a formal grievance. The time for filing begins from the date the problem or incident became known to the detainee.
  - L1a2. In the event a detainee terminates the informal resolution process, he/she will have seven (7) calendar days from terminating the informal grievance to file a formal grievance.
  - L1b. The 14-100B Detainee Grievance form must be utilized to file a formal grievance. The detainee will complete Page 1 of the 14-100B and place it in a designated Grievance Mail Box.
  - L1b1. In accordance with correspondence received from the USMS dated February 19, 2015, a three-part form will be used for all grievance forms (informal and formal) to allow for dissemination to the detainee, the detainee's file, and the facility. This is in addition to any dissemination instructions
  - L1c. The Grievance Officer will check the grievance mail boxes daily, excluding weekends and holidays. If a grievance mail box is not used, grievances are to be forwarded daily, excluding weekends and holidays, to the Grievance Officer in accordance with the procedures listed above.
- L2. Resolution
  - L2a. Formal grievances received through the grievance mail box, or alternative means as identified above, will be reviewed by the Grievance Officer to ensure the formal grievance is correctly submitted and required documentation attached.
  - L2b. The Grievance Officer will assign a number to the formal grievance, document the grievance on the 14-100D Facility Grievance Log, or via the current approved CoreCivic electronic database, and forward the formal grievance to the appropriate staff member for a response.
  - L2c. Formal grievance resolution should be determined by the appropriate department head in relation to the formal grievance unless the grievance pertains to the department head, in which case a different department head will be designated. For example, grievances related to education would be forwarded to the principal, grievances related to classification would be forwarded to unit staff, etc.
  - L2d. Each formal grievance will be responded to by including a written explanation for approval/disapproval. The response must be documented on Page 2 of the 14-100B and given to the detainee, in person, for signature. Responses may be given to the detainee, in person, by the responder or the Grievance Officer. The detainee will receive a complete copy of the formal grievance and any corresponding attachments at the time of presenting the response. **(FPBDS G.9.4)**

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L3. Time Guidelines

L3a. Grievances related to medical care will be responded to within five (5) business days of submission.

**NOTE:** If CoreCivic is not the facility Health Services provider, grievance procedures related to medical care will be in accordance with that provider's policy and procedure.

L3b. Unless a time extension has been granted, the detainee will receive a response to all other formal grievances within ten (10) calendar days of submission.

L3c. The total time for the formal grievance process will be no more than twenty-seven (27) days from filing to a final appeal decision, unless unusual circumstances are present.

L4. Documentation

The designated department head responding to the formal grievance will ensure that the Grievance Officer receives a copy of the formal grievance response and corresponding attachments to ensure that the formal grievance is appropriately logged and filed.

**M. REMEDIES**

The informal resolution process and formal grievance process shall afford the detainee the opportunity for meaningful remedy. Remedies shall cover a broad range of reasonable and effective resolutions. Remedies may include the following:

M1. Change of procedures or practices appropriately related to the complaint or conditions;

M2. Correction of records; or

M3. Other remedies, as appropriate.

**N. APPEAL PROCESS**

N1. Filing

If a detainee is not satisfied with the decision of a formal or emergency grievance, the detainee may complete the appeal section of the 14-100B and resubmit the grievance. Detainees are entitled to appeal all adverse decisions, even those made on a purely procedural basis including but not limited to the expiration of a time limit. The detainee must file the appeal within five (5) calendar days of the response date listed on the 14-100B Detainee Grievance form.

N2. Resolution

N2a. The Grievance Officer will forward all grievance appeals to the Warden for review and a final response. Upon receipt of the Warden's response, the attempt to administratively resolve the issue will be considered exhausted.

N2b. Each appeal will be responded to by including a written explanation for approval/disapproval. The response must be documented on Page 2 of the 14-100B and given to the detainee, in person, for signature. Responses may be given to the detainee, in person, by the Warden/Facility Administrator or the Grievance Officer. The detainee will receive a complete copy of the appeal response and any corresponding attachments at the time of presenting the response.

N3. Time Guidelines

Barring extraordinary circumstances, a grievance will be considered settled if the decision at any step is not appealed by the detainee within the given time limit.

N3a. Emergency Grievances

The detainee will receive a response to the appeal within seven (7) calendar days of submission.

N3b. Formal Grievances

The detainee will receive a response to the appeal within ten (10) calendar days of submission.

N4. Documentation



If the response is presented to the detainee by the Warden/Facility Administrator, the Warden/Facility Administrator will ensure that the Grievance Officer receives a copy of the appeal response and corresponding attachments to ensure the appeal is appropriately logged and maintained on file.

#### **O. TRANSFERS/RELEASES**

If a grievance is submitted for review and the detainee is transferred or released from custody, efforts to resolve the grievance will normally continue. It is the detainee's responsibility to notify the Grievance Officer of the pending transfer or release and to provide a forwarding address and any other pertinent information.

#### **P. RECORDS**

- P1. All grievances will be systematically maintained by the Grievance Officer. All grievances (formal and emergency) and corresponding attachments will indicate the assigned grievance number and be date stamped upon receipt.
- P2. The Grievance Officer will maintain a log of all grievances received utilizing the 14-100D Facility Grievance Log or via the current approved CoreCivic electronic database. The log shall include the following information: **(FPBDS G.9.3)**
  - P2a. Grievance number;
  - P2b. Date received;
  - P2c. Detainee name;
  - P2d. Detainee number;
  - P2e. Was informal resolution attempted;
  - P2f. Grievance category (basis);
  - P2g. Disposition date;
  - P2h. Disposition code;
  - P2i. Date appeal received, if applicable;
  - P2j. Appeal disposition date; if applicable; and
  - P2k. Appeal disposition code, if applicable.
- P3. All grievance documentation will be maintained in accordance with CoreCivic Policy 1-15 Retention of Records.
- P4. Records regarding the participation of an individual in the informal resolution process or grievance procedure will not be available to other detainees.
- P5. With the exception of employees involved in the grievance process or clerical processing, records regarding the participation of an individual in the informal resolution process or grievance procedures will not be available for review.
- P6. Employees participating in the disposition of an informal resolution process or grievance procedure shall have access to the essential records necessary to respond appropriately.

#### **Q. REPORTING**

The 14-100E Quarterly Grievance Report will be completed by the fifteenth day of each month and forwarded to the FSC Quality Assurance Department, unless a current approved CoreCivic electronic database has been established.

#### **REVIEW:**

This policy will be reviewed annually by the Assistant Warden or designee.

#### **APPLICABILITY:**

All Staff and Detainees at U.S. Marshals Service-Contracted Facilities

**APPENDICES:**

None

**ATTACHMENTS:**

14-100A Informal Resolution  
14-100B Detainee Grievance  
14-100C Grievance Extension Notice  
14-100D Facility Grievance Log  
14-100E Quarterly Grievance Report

**REFERENCES:**

CoreCivic Policy 1-15 Retention of Records

CoreCivic Policy 4-2 Maintenance of Training Records

American Correctional Association (ACA) Standards for Adult Correctional Institutions (ACI) and Adult Local Detention Facilities (ALDF):

ACI 3-4394 through 3-4401

ACI 3-4407

ACI 3-4318.

4-ADLF-5C-06, 5C-07, 5C-08, 5C-10, 5C-12

USMS Letter Dated February 9, 2015

Management Contract

2017 Federal Performance-Based Detention Standards (FPBDS)